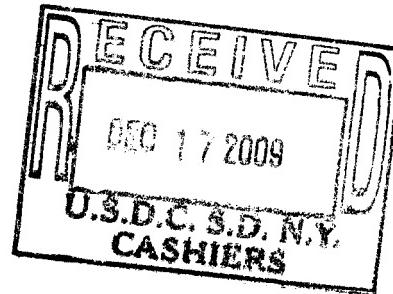


John P. Son
BINGHAM McCUTCHEN LLP
399 Park Avenue
New York, NY 10022
212.705.7000

Joshua M. Dalton (*Pro Hac Vice* to be filed)
Lawrence T. Stanley, Jr. (*Pro Hac Vice* to be filed)
BINGHAM McCUTCHEN LLP
One Federal Street
Boston, MA 02110

Attorneys for Plaintiff
Yeshiva University



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YESHIVA UNIVERSITY,

Plaintiff,

-against-

ALBERT EINSTEIN UNIVERSITY,

Defendant.

Case Number:

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

1. Plaintiff Yeshiva University ("YU") complains and alleges as follows:

NATURE OF THE ACTION

2. This is an action at law and in equity for trademark infringement, false designation of origin, unfair competition, and cybersquatting arising under the Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.* (the "Lanham Act") and the common law.

3. By this action, YU and its Albert Einstein College of Medicine seek the assistance of the Court to address what appears to be nothing more than a shameless hoax perpetuated at the direct and irreparable expense of YU's goodwill.

4. At <www.alberteinsteinsteinuniversity.org>, one finds page after page lauding the benefits of attending the Albert Einstein University medical school located on Grand Cayman Island. The website has sections about Alumni, Financial Aid, Student Life, and more. It shows photos and quotes from current and former students, describing its history of "[p]roviding quality education focused on the success of [its] students" and boasts that, "[s]ince 1997, more than one thousand students have obtained their MD degree from AEU." It even describes the school's accreditation by the prestigious Accreditation Commission on Colleges of Medicine. There is only one problem: None of it is real. Rather, "Albert Einstein University" does not exist. All that in fact exists is a domain name and website making wholesale misuse of YU's EINSTEIN-related trademarks and goodwill to perpetuate a stunning deception furthering a heretofore unknown but obviously unauthorized and illegal scheme. These acts represent a most grave and urgent threat to the impeccable name and reputation that YU has worked decades to develop, and represent a textbook example of what the Lanham Act and state and consumer protection laws were written to prevent.

THE PARTIES

5. Plaintiff Yeshiva University is an education corporation duly organized and existing under the laws of the State of New York, and has an address at 500 West 185th Street, New York, New York 10033.

6. Upon information and belief, defendant "Albert Einstein University" is the individual or entity operating a website at <www.alberteinsteinsteinuniversity.org> for an alleged medical school under that name and claiming to maintain its principal place of business at 4352 Kennedy Blvd., Tampa, FL. 33609.

JURISDICTION AND VENUE

7. This is a civil action for trademark infringement, false designation of origin, unfair competition and cybersquatting arising under the Lanham Act and for unfair competition and trademark infringement arising under the common law.

8. This court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338 and the principles of supplemental jurisdiction.

9. This court has personal jurisdiction over Albert Einstein University in that it and/or its alter egos and/or its agents are doing business in the State of New York, and it is committing the acts hereinafter alleged and causing harm in the State of New York.

10. Venue for this action is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391(b).

BACKGROUND FACTS

A. Yeshiva University

11. YU is a world-renowned private university in New York City, with six campuses in New York and one in Israel.

12. Founded in 1886, YU is the oldest institution of higher learning in the United States combining Jewish scholarship with studies in the liberal arts, sciences, medicine, law, business, social work, Jewish studies and education, and psychology.

13. In the past 123 years, YU has expanded to comprise some twenty colleges, schools, affiliates, centers, and institutions, with several affiliated hospitals and health care institutions, including but not limited to Albert Einstein College of Medicine ("Einstein").

14. Einstein, established in 1955, is one of the United States' premier institutions for medical education, basic research and clinical investigation (the "Services").

15. Among its pioneering educational initiatives, Einstein was among the first of the major medical schools to integrate bedside experience with learning, bringing first-year students into contact with patients and linking classroom study to case experience. Einstein also led the way in the development of bioethics as an accepted academic discipline in medical school curricula, and it was the first private medical school in New York City to establish an academic Department of Family Medicine as well as the first to create a residency program in internal medicine with an emphasis on women's health.

16. The medical school is affiliated with five hospital centers: Montefiore Medical Center, The Academic Medical Center and University Hospital of the Albert Einstein College of Medicine; Beth Israel Medical Center, the University Hospital and Manhattan Campus for the Albert Einstein College of Medicine; North Shore-Long Island Jewish Health System, the Manhasset and New Hyde Park campuses of the Albert Einstein College of Medicine; Jacobi Medical Center; and the Bronx-Lebanon Hospital Center. It is also affiliated with three mental health facilities and four long-term care facilities. Through its extensive affiliation network, Einstein runs one of the largest post-graduate medical training programs in the United States, offering some 150 residency programs to more than 2,500 physicians in training.

17. Einstein is regularly recognized as a top-tier medical school. For example, it is currently ranked nationwide by U.S. News and World Report as a top 50 medical school in research and a top 25 medical school in primary care.

B. The EINSTEIN Marks

18. YU has been using the marks ALBERT EINSTEIN and ALBERT EINSTEIN COLLEGE OF MEDICINE in connection with the Services since at least December of 1955.

19. YU owns a registration in the domain name "einstein.yu.edu."

20. YU owns several federal trademark registrations and applications for marks containing the terms ALBERT EINSTEIN and/or EINSTEIN. These include:

- ALBERT EINSTEIN (U.S. Registration No. 1216122), for use in connection with "educational services-namely, conducting a medical school;"
- ALBERT EINSTEIN COLLEGE OF MEDICINE (U.S. Registration No. 2804138), for use in connection with "educational services, namely, providing courses of instruction and training in the field of medicine and biological science at the graduate and

professional levels and distributing course material in connection therewith; [and] medical research, namely, conducting clinical, scientific and animal trials;" and

- EINSTEIN (& Design) (U.S. Application No. 77735069), for use in connection with "clothing, namely, medical scrub pants and tops; [and] Writing pads and binders sold empty [and] clothing, namely, t-shirts, sweatshirts and caps; [and] educational services, namely, providing courses of instruction and training in the nature of courses, lectures and clinical clerkships in the field of medicine and biological science at the graduate and professional levels and distributing course material in connection therewith; [and] medical research, namely, conducting clinical, scientific and animal trials," (collectively, the ALBERT EINSTEIN, ALBERT EINSTEIN COLLEGE OF MEDICINE and EINSTEIN (& Design) marks, are referred to herein as the "EINSTEIN Marks").

21. The EINSTEIN Marks are non-functional and the public recognizes and understands that the EINSTEIN Marks distinguish and identify goods and services produced, sold, or sponsored by YU.

22. For many years, YU has extensively and continuously used and promoted the EINSTEIN Marks in connection with its goods and services.

23. YU has expended great effort and large sums of money in making its EINSTEIN Marks well-known to the public. YU has established a reputation for excellence, quality and reliability in connection with the goods and services it provides in conjunction with the EINSTEIN Marks.

24. As a result of YU's efforts and substantial expenditures, and as a result of YU's superior reputation for training some of the nation's most prestigious doctors and medical

researchers at its Albert Einstein College of Medicine, YU enjoys virtually universal recognition of its EINSTEIN Marks in connection with its Services.

25. The EINSTEIN Marks have become well-known and are instantly recognizable to the public as being associated with the goods and services provided by or affiliated with YU. Consequently, YU's EINSTEIN Marks are famous among consumers.

C. Albert Einstein University's Unlawful Activities

26. On information and belief, an individual or entity claiming to be "Albert Einstein University" has registered the domain name "www.albersteinuniversity.org" in the name of the web hosting company, Oneandone Private Registration.

27. Defendant has linked a website to that domain name promoting the medical school services of an "Albert Einstein University," which services are akin to those provided by Einstein.

28. The Albert Einstein University website goes into great detail describing what students can expect at Albert Einstein University medical school. It's homepage claims the school was founded in 1997, has awarded over 1,000 MDs, features purported quotes from former students ("Such a great education is rare to find! AEU has really exceeded my expectations. Thank you!" - Anna Croft, M.D.") and even has the school's motto, "Encouraging the medical community one doctor at a time."

29. The home page links to several other areas of the website, including
- "Alumni" (discussing the Albert Einstein University School of Medicine Alumni Association");
 - "Financial Aid" ("The commitment, time and money you invest at Albert Einstein University during the next few years will surely pay off!");
 - "Student Life" (describing life on the Cayman Islands and how "Albert Einstein offers students a quality of life that few universities in any part of the world can match."); and

- "Apply/Request More Information" (providing an online form to fill out "If you would like to consider application to AEU or you have questions" and providing a mailing address in Tampa, Florida for "Albert Einstein University.").

30. The website also claims that "Albert Einstein University" has been accredited by the prestigious Accreditation Commission on Colleges of Medicine ("ACCM").

31. Upon information and belief, none of the above-listed claims from the website are true.. There is no alumni association, because there are no alumni. There is no student life, because there are no students. In fact, there does not appear to be any medical school whatsoever, or even a satellite campus of a medical school, on Grand Cayman operating under the name "Albert Einstein University."

32. Upon information and belief, the only medical school operating on Grand Cayman is St. Matthews University.

33. Indicative of defendant's fraudulent scheme, a comparison of St. Matthew's University's website (available at <www.stmatthews.edu>) reveals that Albert Einstein University has copied several sections of St. Matthew's website verbatim. By way of example only:

<u>St. Matthew's University Website</u>	<u>Albert Einstein University Website</u>
Providing quality education focused on the success of our students as well as patient-centered care is the foundation of St. Matthew's University. The Medical School, founded in 1997, has the only hospital-integrated education and research program in the Caribbean. Our students achieve exceptional scholastic and professional success, with recent U.S. licensing examination pass rates on parity with U.S. schools and far above the average of other non-U.S. schools.	Providing quality education focused on the success of our students as well as patient-centered care is the foundation of Albert Einstein. The Medical School, founded in 1997, has the only hospital-integrated education and research program in the Caribbean. Our students achieve exceptional scholastic and professional success, with recent U.S. licensing examination pass rates on parity with U.S. schools and far above the average of other non-U.S. schools.

Providing quality education focused on the success of our students is the foundation of St. Matthew's University. Our faculty and staff are as committed to your dreams as you are.	Providing quality education focused on the success of our students is the foundation of Albert Einstein University. Our faculty and staff are as committed to your dreams as you are.
Since 1997, more than one thousand students have obtained their MD and DVM degrees from SMU. Our graduates have earned residencies and/or permanent licensure in more than 40 states in the U.S and numerous other countries. Our students achieve exceptional scholastic success, with U.S. licensing examination pass rates comparable to U.S. schools and far above the average of other non-U.S. schools.	Since 1997, more than one thousand students have obtained their MD degree from AEU. Our graduates have earned residencies and/or permanent licensure in more than 40 states in the U.S and numerous other countries. Our students achieve exceptional scholastic success, with U.S. licensing examination pass rates comparable to U.S. schools and far above the average of other non-U.S. schools.
St. Matthew's University School of Medicine was established in 1997 by Board Certified U.S. physicians. Our goal was to establish a medical school based on solid principles and integrity that would provide a medical education of the highest quality.	Albert Einstein University School of Medicine was established in 1997 by Board Certified U.S. physicians. Our goal was to establish a medical school based on solid principles and integrity that would provide a medical education of the highest quality.
The University is based in the Cayman Islands. Our location provides a safe island environment, a commitment to quality health care for its citizens, high speed Internet, and residence housing for our students. We are encouraged by the Cayman government and the hospital facilities on the island and continue to receive their full support today.	The University is based in the Cayman Islands. Our location provides a safe island environment, a commitment to quality health care for its citizens, high speed Internet, and residence housing for our students. We are encouraged by the Cayman government and the hospital facilities on the island and continue to receive their full support today.
St. Matthew's received accreditation by the Accreditation Commission on Colleges of Medicine (ACCM) in June, 2002. The standards that were used to accredit St. Matthew's University are endorsed by the United States Department of Education and are similar to the standards of U.S. Medical Schools.	Albert Einstein received accreditation by the Accreditation Commission on Colleges of Medicine (ACCM) in June, 2002. The standards that were used to accredit Albert Einstein University are endorsed by the United States Department of Education and are similar to the standards of U.S. Medical Schools.

34. St. Matthews, which is accredited by ACCM, advised that they have never heard of "Albert Einstein University."

35. It is not surprising, then, that ACCM has also advised that they have never heard of "Albert Einstein University," and certainly have not accredited any such institution.

36. On November 16, 2009, Raymond Fitzgerald, Chairman of ACCM, sent a letter to Albert Einstein University at the contact address listed on the website (4352 Kennedy Blvd., Tampa, FL. 33609) demanding that Albert Einstein University remove any reference to accreditation by ACCM, including any reference on Albert Einstein University's website and from all literature, brochures, prospectuses, and the like.

37. Upon information and belief, the letter sent by FedEx was returned as undeliverable because the address does not exist. Since then, ACCM sent the letter to the email address provided by the domain name registrar, Proxy2021703@1and1-private-registration.com. Upon information and belief, Albert Einstein University has not responded to ACCM's letter. Further, despite ACCM's demands to remove the references, Albert Einstein University's website still reflects Albert Einstein University's claim that it received accreditation from ACCM.

38. Albert Einstein University and the (apparently fictitious) goods and services marketed, sold, distributed, and offered for sale by the defendant under the name "Albert Einstein University," using the domain name <www.alberteinste uniniversity.org> and in connection with other confusingly similar imitations of the EINSTEIN Marks are in no way associated with or connected to YU, nor licensed, authorized, sponsored, endorsed, or approved by YU in any way.

39. YU used the EINSTEIN Marks extensively and continuously for many years before Albert Einstein University began marketing, selling, distributing and offering for sale goods and services in connection with confusingly similar imitations of the EINSTEIN Marks.

40. "Albert Einstein University's" use of confusingly similar imitations of the EINSTEIN Marks is likely to deceive, confuse, and mislead prospective purchasers and purchasers into believing that the goods and services marketed, sold, distributed, and offered for sale by "Albert Einstein University" are produced by, authorized by, or in some manner associated with YU, which they are not. The likelihood of confusion, mistake, and deception engendered by this wholesale and brazen misappropriation of the EINSTEIN Marks has caused

irreparable harm to the goodwill symbolized by the EINSTEIN Marks and the reputation for quality and excellence that they embody, and that harm is ongoing.

41. Purchasers, prospective purchasers and others viewing the Albert Einstein University website's confusingly similar imitations of the EINSTEIN Marks in connection with Albert Einstein University's goods and services are likely to mistakenly attribute the goods and services to YU. These activities are therefore likely to cause confusion before, during, and after the time of purchase or use (or attempted purchase or use) of Albert Einstein University's goods and services. This is particularly damaging with respect to those persons who may perceive a defect or lack of quality in Albert Einstein University's reputation, products, or services, such as the fact that the medical school does not appear to actually exist. By causing such a likelihood of confusion, mistake, and deception, Albert Einstein University has inflicted irreparable harm to YU's goodwill in the EINSTEIN Marks, and the reputation for quality and excellence that they embody, and that harm is ongoing.

42. Albert Einstein University is using confusingly similar imitations of the EINSTEIN Marks in connection with goods and services that are directly related to YU's goods and services or within YU's natural zone of expansion.

43. On information and belief, Albert Einstein University knowingly, willfully and intentionally adopted and used confusingly similar imitations of the EINSTEIN Marks to trade on the goodwill symbolized by the EINSTEIN Marks and the reputation for quality and excellence that they embody.

44. Upon information and belief, Albert Einstein University deliberately employs the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and registered the domain name "albersteinuniversity.org" to mislead and confuse consumers that Albert Einstein University's goods and services are provided, sponsored, affiliated with, licensed or approved by YU. Albert Einstein University thus unfairly benefits from the goodwill and excellent reputation of the EINSTEIN Marks established by YU throughout the United States and internationally at great effort and expense.

45. Albert Einstein University has not now, and has never been, authorized by YU to use the marks ALBERT EINSTEIN UNIVERSITY or ALBERT EINSTEIN, the domain name "albersteinuniversity.org", or any other colorable imitations of the EINSTEIN Marks in connection with any goods or services, nor has YU consented to any such use.

46. Through Albert Einstein University's use of colorable imitations of the EINSTEIN Marks, including the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org", YU's goodwill has suffered irreparable harm, which harm will continue as long as Albert Einstein University's uses continue.

47. Given the nearly identical nature of the alleged ALBERT EINSTEIN UNIVERSITY medical school services to the Services and related goods provided under YU's EINSTEIN Marks, the above-described conduct is a clear attempt to trade off of the extensive goodwill YU has developed in its famous EINSTEIN Marks.

48. On or about December 1, 2009, counsel for YU sent a letter to Albert Einstein University at both the known mail address and email address, putting Albert Einstein University on notice of its violation of a variety of federal, state, and common law in connection with its use of the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and demanding, *inter alia*, that Albert Einstein University immediately cease and desist from using the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN, disable the website accessible via the domain name "albersteinuniversity.org", and transfer the domain name "albersteinuniversity.org" and any other domain names confusingly similar to the EINSTEIN Marks to YU. The December 1 letter demanded a response by December 11, 2009.

49. Albert Einstein University failed to provide any substantive response to YU's letter and has completely ignored YU's demands in that letter. Albert Einstein University continues to use the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the "albersteinuniversity.org" domain name. Such use has caused irreparable harm to YU, and that harm is on-going.

FIRST CAUSE OF ACTION

(Federal Trademark Infringement of the EINSTEIN Marks - Lanham Act § 32)

50. YU realleges and incorporates paragraphs 1 through 49.

51. YU owns multiple valid and enforceable Federal Trademark Registrations for the EINSTEIN Marks covering a variety of goods and services.

52. Albert Einstein University's use of the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org" in connection with its goods and services is likely to cause confusion, deception and mistake by creating the false and misleading impression that Albert Einstein University's goods and services are produced or distributed by YU, or are associated or connected with YU, or have the sponsorship, endorsement, or approval of YU, and as such constitutes infringement of the EINSTEIN Marks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

53. Unless enjoined, Albert Einstein University will continue to cause a likelihood of confusion and deception of members of the public and, additionally, injury to YU's goodwill and reputation as embodied in the EINSTEIN Marks, for which YU has no adequate remedy at law.

54. Albert Einstein University's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with YU's federally registered EINSTEIN Marks to YU's great and irreparable injury.

55. Albert Einstein University has caused and is likely to continue causing substantial injury to the public and to YU, and YU is entitled to injunctive relief and to recover Albert Einstein University's profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116 and 1117.

SECOND CAUSE OF ACTION

(Federal Unfair Competition and False Designation of Origin as to the EINSTEIN Marks - Lanham Act § 43(a))

56. YU realleges and incorporates by reference paragraphs 1 through 55.

57. Through extensive use of the EINSTEIN Marks for several years, YU has developed extensive goodwill rights in said marks, which goodwill is protected by, *inter alia*, Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

58. Albert Einstein University's use of confusingly similar imitations of the EINSTEIN Marks, such as the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "alberteinsteinuniversity.org", has caused and/or is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Albert Einstein University's goods and services are produced or distributed by YU, or are associated or connected with YU, or have the sponsorship, endorsement, or approval of YU.

59. Albert Einstein University has made false representations, false descriptions, and false designations of origin of their goods and services in violation of 15 U.S.C. § 1125(a), and Albert Einstein University's activities have caused and, unless enjoined by this court, will continue to cause a likelihood of confusion and deception of members of the public and, additionally, injury to YU's goodwill and reputation as embodied in the EINSTEIN Marks, for which YU has no adequate remedy at law.

60. Albert Einstein University's actions demonstrate an intentional, willful, and malicious intent to trade on the goodwill associated with the EINSTEIN Marks to the great and irreparable injury to YU.

61. Albert Einstein University's conduct has caused, and is likely to continue causing, substantial injury to the public and to YU, and YU is entitled to injunctive relief and to recover Albert Einstein University's profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees pursuant to 15 U.S.C. §§ 1114, 1116 and 1117.

THIRD CAUSE OF ACTION

(Violation of Anticybersquatting Consumer Protection Act - Lanham Act § 43(d))

62. YU realleges and incorporates by reference paragraphs 1 through 61.

63. With a bad faith intent to profit therefrom, Albert Einstein University has registered and used the domain name "albersteinuniversity.org" which is confusingly similar to YU's distinct and famous EINSTEIN Marks.

64. Albert Einstein University has shown its bad faith intention to profit from YU's name and goodwill through its registration of a domain name that, on information and belief, it knew was strikingly similar to the EINSTEIN Marks.

65. Such conduct is in violation of the Anticybersquatting Consumer Protection Act, Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d), and such violations are ongoing.

66. Through such conduct, Albert Einstein University has caused and continues to cause irreparable harm to YU, its EINSTEIN Marks, and its goodwill and reputation, and has thereby damaged YU.

FOURTH CAUSE OF ACTION

(Common Law Unfair Competition and Trademark Infringement)

67. YU realleges and incorporates by reference paragraphs 1 through 66.

68. For many years, YU has made exclusive use of the EINSTEIN Marks on a wide variety of goods and services.

69. Albert Einstein University's use of confusingly similar imitations of the EINSTEIN Marks, such as the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org", has caused and is likely to cause confusion, deception, and mistake by creating the false and misleading impression that Albert Einstein University's goods and services are manufactured or distributed by YU, or are associated or connected with YU, or have the sponsorship, endorsement, or approval of YU. The EINSTEIN Marks are unique, distinctive, and have acquired secondary meaning.

70. Albert Einstein University, by virtue of its acts as alleged above, has willfully, knowingly, maliciously and intentionally engaged in acts of unfair competition under the common law of the State of New York.

71. Albert Einstein University's conduct has caused, and if not enjoined, will continue to cause irreparable damage to YU in a manner that cannot be calculated or compensated in money damages. YU has no adequate remedy at law.

72. As a result of Albert Einstein University's acts, YU has been damaged in an amount not as yet determined or ascertainable. At a minimum, however, YU is entitled to injunctive relief, to an accounting of Albert Einstein University's profits, to damages, and to costs. In light of the deliberate and malicious use of confusingly similar imitations of the EINSTEIN Marks, and the need to deter Albert Einstein University from similar conduct in the future, YU additionally is entitled to punitive damages.

WHEREFORE, YU prays for judgment against Albert Einstein University as follows:

A. Albert Einstein University, by its adoption and usage of the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org", has infringed YU's trademark rights in the EINSTEIN Marks in violation of 15 U.S.C. § 1114.

B. Albert Einstein University, by its adoption and usage of the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org", has infringed YU's common law rights to the EINSTEIN Marks and has committed common law trademark infringement.

C. Albert Einstein University, by reason of its actual knowledge of YU's prior use and appropriation of the EINSTEIN Marks, and by subsequently adopting and continuing to use the marks ALBERT EINSTEIN UNIVERSITY and ALBERT EINSTEIN and the domain name "albersteinuniversity.org" has intentionally and willfully committed unfair competition under 15 U.S.C. § 1125(a).

D. Albert Einstein University, by reason of its actual knowledge of YU's prior use and appropriation of the EINSTEIN Marks, violated YU's trademark rights knowingly and willfully.

E. Albert Einstein University, by registering a domain name known to be associated

with YU, and which is confusingly similar to YU's EINSTEIN Marks, has shown a bad faith intent to profit from the "alberteinsteinsteinuniversity.org" domain name, and has committed cyberpiracy in violation of 15 U.S.C. § 1125(d).

INJUNCTIVE RELIEF

F. Albert Einstein University, its officers, agents, servants, employees, attorneys, parents, subsidiaries, affiliates and related companies and all persons acting for, with, by, through or under them, and each of them, be temporarily enjoined from, and preliminarily and thereafter permanently enjoined and restrained from:

- i. using in any manner the marks ALBERT EINSTEIN UNIVERSITY or ALBERT EINSTEIN, the domain name "alberteinsteinsteinuniversity.org", or any other trade name, trademark, trade dress or service mark that is confusingly similar to YU's EINSTEIN Marks, in connection with the sale, offering for sale, distribution, marketing, advertising or promotion of goods or services;
- ii. using any trademark, trade dress, service mark, name, logo, design or source designation of any kind on or in connection with Albert Einstein University's sale, offering for sale, distribution, marketing, advertising or promotion of goods or services that is a copy, reproduction, colorable imitation, or simulation of, or confusingly similar to the EINSTEIN Marks;
- iii. using any trademark, trade dress, service mark, name, logo, design or source designation of any kind on or in connection with Albert Einstein University's sale, offering for sale, distribution, marketing, advertising or promotion of goods or services that is likely to cause confusion, mistake, deception, or public misunderstanding that such goods or services are produced by YU, or are sponsored or authorized by YU, or are in any way connected or related to YU; and
- iv. engaging in any other activity constituting an infringement of YU's trademark rights or otherwise unfairly competing with YU in any way.

G. Albert Einstein University and Oneandone Private Registration be ordered to

immediately transfer to YU the domain name "albersteinuniversity.org," and any other domain names confusingly similar to any of the EINSTEIN Marks, and be further preliminary and permanently enjoined from the registration or use of any domain name consisting of a colorable imitation of any of the EINSTEIN Marks.

H. Albert Einstein University shall file with the Court and serve upon YU's counsel within thirty (30) days after entry of Judgment a report in writing under oath setting forth in detail the manner and form in which Albert Einstein University complied with the requirements of the Injunction and Order.

DAMAGES

I. Albert Einstein University be required to account for and pay over to YU all profits realized by Albert Einstein University by reason of its unlawful acts alleged herein, in an amount to be proven at trial.

J. YU be awarded all damages caused by the acts forming the basis of this Complaint.

K. Based on Albert Einstein University's knowing and intentional use of confusingly similar imitations of the EINSTEIN Marks, the damages award be trebled and the award of Albert Einstein University's profits be enhanced as provided for by 15 U.S.C. § 1117(a).

L. Albert Einstein University be required to pay to YU all of its costs, disbursements, and reasonable attorneys' fees that YU has and will incur in this action pursuant to 15 U.S.C. § 1117(a).

M. Based on Albert Einstein University's willful and deliberate infringement of the EINSTEIN Marks, and to deter such conduct in the future, YU be awarded punitive damages.

OTHER RELIEF

N. For such other and further relief as the Court may deem appropriate to prevent the infringement, disparagement, or dilution of the EINSTEIN Marks, and to prevent further and/or additional acts of unfair competition by Albert Einstein University.

O. For prejudgment interest.

P. For attorneys' fees and costs.

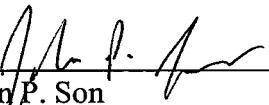
Q. For such other relief as the court deems proper.

JURY TRIAL DEMAND

YU respectfully demands a trial by jury on all claims and issues so triable.

Dated: New York, New York
December 17, 2009

Bingham McCutchen LLP

By: 
John P. Son
399 Park Avenue
New York, NY 10022
212.705.7000
john.son@bingham.com

Joshua M. Dalton (Pro Hac Vice to be filed)
Lawrence T. Stanley, Jr. (Pro Hac Vice to be filed)
One Federal Street
Boston, MA 02110

*Attorneys for Plaintiff
Yeshiva University*